

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 2-16 stand rejected under 35 USC § 112 first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserts that Claim 5 is broad enough to cover embodiments not described in the specification or drawings. Applicant respectfully traverses this rejection as improper and legally unsupported.

The standard for determining whether the specification meets the enablement requirement was set forth in the Supreme Court decision of Mineral Separation v. Hyde, 242 U.S. 270 (1916), which postured the question: is the experimentation needed to practice the invention undue or unreasonable? This standard is still the one applied. In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988). "The test for enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation". A patent need not teach, and preferably omits, what is well known in the art. In re Buchner, 92 F.2d 660, 661, 18 USPQ2d 133, 1332 (Fed. Cir. 1991). There is no requirement under 35 USC § 112 to describe every possible embodiment of a claimed invention. As stated in MPEP § 2164.01(b), "As long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim then the enablement requirement of 35 USC § 112 is satisfied. In re Fisher, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970)."

In the present case, the language from Claim 5 quoted by the Examiner,

“wherein one of the first part and the second part is mounted on the receptacle and the other of the first part and the second part is mounted on the cap”,

clearly reads upon the embodiment of the invention shown and described in the application, as admitted in the Office Action by the Examiner. Therefore, the claim is enabled. Because the claim has been drafted so as to also literally read upon an obvious variation of the disclosed embodiment does not render the claim non-enabling under 35 USC § 112, as there is clearly no “experimentation”, much less “undue experimentation” required of one skilled in the art to alternatively mount the “first part” on the cap and the “second part” on the receptacle.

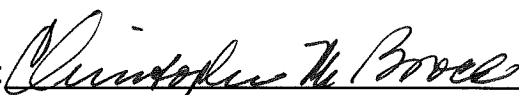
It is therefore respectfully submitted that the rejection of Claims 1-16 under 35 USC § 112 first paragraph is improper and should be withdrawn.

Finally, Claim 5 has been amended as suggested by the Examiner to overcome the rejection under 35 USC § 112 second paragraph.

The present application is therefore believed to be in condition for allowance. Favorable reconsideration is respectfully solicited.

Respectfully submitted,

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By: 
Christopher M. Brock
Reg. No. 27313

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600
CMB/bg